

Marvin Mathis #304144/244859-C
New Jersey State Prison
P.O. Box 861
Trenton, New Jersey 08625-0861

August 05, 2015

RECEIVED

Honorable Jose L. Linares, U.S.D.J.
United States District Court for the
District of New Jersey
Martin Luther King Bldg. & U.S. Courthouse
Newark, New Jersey 07101

AUG 10 2015

AT 8:30 _____ M
WILLIAM T WALSH, CLERK

Marvin Mathis v. Attorney General of the State of
New Jersey
Civil Action No. 15-2092 (JLL)

Re: Inquiring as to the Status of the Respondents' Answer

Dear Honorable Linares:

This is a follow-up letter inquiring as to the Respondents' Answer.

On June 01, 2015, I received via legal mail from the United States District Court, which contained an Order directing the Respondent "to file a full and complete answer to all petitioner's claims asserted in the petition within 45 days of the entry of the Order, which was signed by this Court on May 27, 2015." (See Exhibit 6 and 2).

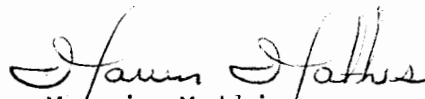
On June 10, 2015, I received a letter from Daniel I. Bornstein, Deputy Attorney General, Office of the Attorney General, informing Grace H. Park of the Union County Prosecutor's Office that "we are referring this matter to your office to represent the State (i.e., the respondents). **Respondents' answer is due July 12, 2015.**" (See Exhibit 8 and 7).

Please note that it has been over 45 days of the entry of the Order issued by this Court and I have not received a copy of the Respondents' Answer. I have not received notification by the Respondents requesting for an extension of time regarding their Answer.

PAGE TWO

Thank you for your time and consideration in this matter.
I patiently await your response.

Very truly yours,


Marvin Mathis
Petitioner, pro se

MM/file

enclosure

C: William T. Walsh, Clerk, United States District Court

Daniel I. Bornstein, DAG - Chief, Appellate Bureau

Grace H. Park, Acting Union County Prosecutor

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARVIN MATHIS,

Petitioner,

v.

ATTORNEY GENERAL OF
NEW JERSEY, et al.,

Respondents.

Civil Action No.: 15-2092 (JLL)

ORDER

IT APPEARING THAT:

1. Petitioner filed a Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, on March 13, 2015 (ECF No. 1);
2. In his petition, Petitioner declared that this petition sets forth all grounds for relief and is his one, all-inclusive habeas petition (ECF No. 1 at 18-19);
3. Based on the dates provided by the New Jersey Appellate Division in their opinions on Petitioner's PCR application, this Court ordered Plaintiff to show cause why his petition was not untimely on April 22, 2015 (*See* ECF No. 2);
4. On May 11, 2015, Petitioner filed a response to the Court's order setting out evidence which shows that his petition was filed within the one year statute of limitations (ECF No. 3);
5. Petitioner having shown good cause why his Petition should not be dismissed as untimely (ECF No. 3), and the Court having screened the Petition for summary dismissal pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts,

Exhibit 1

concluding that it does not “plainly appear[] from the petition and any attached exhibits that the petitioner is not entitled to relief”;

IT IS THEREFORE on this 27 day of May, 2015

ORDERED that the Clerk of the Court shall serve a copy of the Petition and this Order upon Respondents by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that Respondents shall file a full and complete answer to all claims asserted in the Petition within 45 days of the entry of this Order, *see Ukawabutu v. Morton*, 997 F. Supp. 605 (D.N.J. 1998); and it is further

ORDERED that Respondents’ answer shall respond to the factual and legal allegations of the Petition by each paragraph and subparagraph, see Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts (“Habeas Rules”); and it is further

ORDERED that Respondents shall raise by way of answer any appropriate defenses which they wish to have the Court consider, including, but not limited to, exhaustion and timeliness, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; all non-jurisdictional affirmative defenses subject to waiver not raised in Respondents’ answer or at the earliest practicable moment thereafter will be deemed waived; and it is further

ORDERED that Respondents’ answer shall adhere to the requirements of Habeas Rule 5 in providing the relevant state court record of proceedings, in particular, the answer “shall indicate what transcripts (of pretrial, trial, sentencing, and post-conviction proceedings) are available, when they can be furnished, and also what proceedings have been recorded and not transcribed. There shall also be attached to the answer such portions of the transcripts as the answering party deems

-2 Exhibit 2

relevant. The court on its own motion or upon request of the petitioner may order that further portions of the existing transcripts be furnished or that certain portions of the non-transcribed proceedings be transcribed and furnished. If a transcript is neither available nor procurable, a narrative summary of the evidence may be submitted. If the petitioner appealed from the judgment of conviction or from an adverse judgment or order in a post-conviction proceeding, a copy of the petitioner's brief on appeal and of the opinion of the appellate court, if any, shall also be filed by respondent with the answer." Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts; and it is further

ORDERED that Respondents' answer shall address the merits of each claim raised in the Petition as to whether the Petitioner has made a substantial showing of the denial of a constitutional right; and it is further

ORDERED that the answer shall contain an index of exhibits identifying each document from the relevant state court proceedings that is filed with the answer; and it is further

ORDERED that Respondents shall electronically file the answer, the exhibits, and the list of exhibits; and it is further

ORDERED that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example:

"Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX" or

"Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY";


and it is further

ORDERED that Petitioner may file and serve a reply to the answer within 30 days after Respondents file the answer, see Rule 5(e) of the Rules Governing § 2254 Cases; and it is further

2 Exhibit 3

ORDERED that, within 7 days after any change in Petitioner's custody status, be it release or otherwise, Respondents shall electronically file a written notice of the same with the Clerk of the Court; and it is further

ORDERED that the Clerk of the Court shall serve this Order on Petitioner by regular mail.



JOSE L. LINARES,
United States District Judge

Other Orders/Judgments

2:15-cv-02092-JLL MATHIS v.
ATTORNEY GENERAL OF THE
STATE OF NEW JERSEY et al

HABEAS,PS3

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 5/28/2015 at 10:54 AM EDT and filed on 5/28/2015

Case Name: MATHIS v. ATTORNEY GENERAL OF THE STATE OF NEW JERSEY et al

Case Number: 2:15-cv-02092-JLL

Filer:

Document Number: 4

Docket Text:

ORDER that the Clerk shall serve a copy of the Petition and this Order upon Respondents by regular mail, with all costs of service advanced by the United States. Respondents shall file a full and complete answer to all claims asserted in the Petition within 45 days of the entry of this Order, and Petitioner may file and serve a reply to the answer within 30 days after Respondents file the answer, etc. Signed by Judge Jose L. Linares on 5/27/15. (cm)

2:15-cv-02092-JLL Notice has been electronically mailed to:

2:15-cv-02092-JLL Notice will not be electronically mailed to::

MARVIN MATHIS
304144/244859-C
NEW JERSEY STATE PRISON
PO BOX 861
TRENTON, NJ 08625

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=5/28/2015] [FileNumber=8461538-0]
] [2821f7dab4251ff9de0c27719e3c895cb311cdf6aaaf435bea8d08f1108510933ae
cfbd33b062d279141e8f25da07ce157afb96c08168cb31efe67e5e6d18dac]]

Exhibit 5

Exhibit 6



CHRIS CHRISTIE
Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

JOHN J. HOFFMAN
Acting Attorney General

KIM GUADAGNO
Lieutenant Governor

PO BOX 086
TRENTON, NJ 08646-0086
TELEPHONE: (609) 984-4530 E-MAIL: DCJAPPELLATE@NJDCJ.ORG

ELIE HONIG
Director

June 5, 2015

The Honorable Grace H. Park
Acting Union County Prosecutor
32 Rahway Avenue
Elizabeth, New Jersey 07202-2115

Re: Marvin Mathis v. Attorney General of the State of
New Jersey
Civil Action No. 15-2092(JLL)

Dear Prosecutor Park:

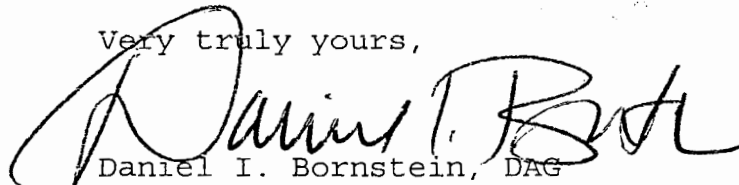
Enclosed please find a petition for writ of habeas corpus. We are referring this matter to your office to represent the State (i.e., the respondents). Respondents' answer is due July 12, 2015.

Please note that this is a victim notification case.

Because your office handled the most recent prior appeals, you should already have the prior record in this case. If not, please contact our office and we will try and assist you in obtaining the necessary documents.

Please advise if I can be of any further assistance. Thank you.

Very truly yours,


Daniel I. Bornstein, DAG
Chief, Appellate Bureau

DIB/as
enclosure

c: William T. Walsh, Clerk, United States District Court(w/o encl.)
Karin M. Burke, Assistant Director, Department of Corrections
Office of Regulatory & Legal Affairs(w/o encl.)
/Marvin Mathis #304144/244859C, pro se(w/o encl.)
AAG Carol Henderson(w/o encl.)



Exhibit 7

G-21

NEW JERSEY STATE PRISON

Legal Mail/Accountable Non Legal Mail

Process and Delivery Receipt # _____

M Mathis 304144 3C 6/10/15

Inmate Name Number Wing Date

Low & Public Safety 6/9/15

Sender MM Address Date (Postmark)

6/10/15

Processed by: (Print and Sign) Date

Traffic Control Officer (if relocated) (Print and Sign) Date

J. Mathis 3-C 6/10/15

Issued by: (Officer Print and Sign) Wing Date

Inmate: (Print and Sign) Date

Item# _____

☒ Legal Mail

☒ Non Legal Accountable

☒ Regular First Class (No special handling)

☐ Inter Office (Truck Mail)

☐ Registered/Certified

☐ Return Receipt

☐ Priority Mail

☐ Express Mail

☐ Common Carrier Overnight or Priority Delivery
(FedEx, UPS, etc.) carrier: _____

Housing Officer: If inmate has moved, hand deliver immediately to Traffic Control.

Traffic Officer: Promptly locate inmate housing location in iTag and arrange for immediate delivery.

WHITE - Mailroom I/M file

YELLOW - Inmate Receipt

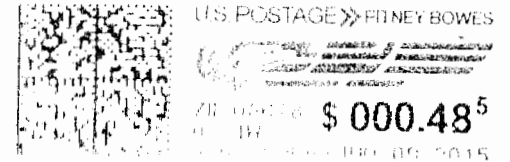
Exhibit 8

State of New Jersey
Office of the Attorney General
Department of Law and Public Safety
Division of Criminal Justice
25 Market Street, P.O. Box 086
Trenton, NJ 08625-0086

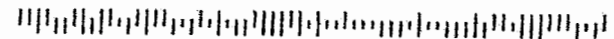
Exhibit 9

3C

Marvin Mathis #304144/244859C
New Jersey State Prison
P.O. Box 861
Trenton, New Jersey 08625



086250861 B001



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 2. *Phylogenetic relationships*
 3. *Phylogenetic trees*
 4. *Phylogenetic analysis*
 5. *Phylogenetic reconstruction*
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1ST PRISON

Hasler
08/06/2015
11:58 PM

David

John Vasey
P.O. Box 861
Shelburne
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Reuter, Alou Jersey 08625-0861

[illegible]

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William T. Walsh, Clerk
United States District Court for
the District of New Jersey
Federal Labor King Bldg. and U.S. Co.
50 Walnut Street, Rm 5054
Newark, New Jersey 07101